

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 420 by Representative Richard

ELECTION CODE: Makes revisions to the election code

Synopsis of Senate Amendments

1.

Adds provisions requiring a candidate for elected office to certify as part of his notice of candidacy that he has either filed his federal and state income tax returns, filed for an extension of time for filing either or both tax returns, or is not required to file either or both returns.

2.

Adds provisions allowing an action objecting to the candidacy of a person on the grounds that the person falsely certified on his notice of candidacy that he filed his federal and state income tax returns, filed for an extension of time for filing either or both tax returns, or is not required to file either or both returns.

Digest of Bill as Finally Passed by Senate

Present law (R.S. 18:59) provides that a deputy registrar of voters must be a resident and qualified voter of the parish in which he is to perform his duties. Proposed law provides instead that a deputy registrar must be a qualified voter of the state of La.

Present law (R.S. 18:103 and 115) provides relative to forms that may be used to apply to vote. Refers to the national voter registration form and specifies that the form is promulgated by the Federal Election Commission. Proposed law specifies that the national form is the national mail voter registration form and changes "Federal Election Commission" to "United States Election Assistance Commission".

Present law (R.S. 18:115) provides relative to registering to vote by mail. Provides that any registered voter who has registered by mail and has not previously voted in the parish in which he is registered shall vote during early voting in the office of the registrar of voters or in person at the precinct in which he is registered to vote. Provides certain exceptions. Proposed law retains present law. Additionally provides an exception for program participants in the La. Dept. of State Address Confidentiality Program pursuant to present law.

Present law (expired July 2006) provided an exception for displaced persons who registered to vote by mail during a specified time period. Provides that upon the expiration of the exception, any voter who voted absentee by mail pursuant to the exception who has not voted during early voting or at the polls on election day shall not be considered to have previously voted in the parish in which he is registered for purposes of present law and shall, therefore, be required to vote in person. Proposed law repeals present law.

Present law (R.S. 18:151) provides relative to the custody of records of a registrar of voters. Provides that records used for the conduct of the registrar's office may be released upon request to the control of the secretary of state or his designee for the sole purpose of entering registration information into the state voter registration computer system. Proposed law provides that the secretary of state may enter such information in the computer system only upon request of the registrar. Provides additionally that the secretary of state may scan the documents of the registrar.

Present law (R.S. 18:196) provides for an inactive list of voters. Provides that the names of registrants on the inactive list of voters shall not be counted in computing the number of ballots required for an election, the number of voters required to divide or constitute a precinct, the number of signatures required on any petition, or the number of registered

voters necessary to recognize or determine the organization of a political party or committee. Proposed law retains present law and additionally provides that the names of the registrants on the inactive list of voters shall not be counted in computing the number of commissioners at a precinct or the number of voting machines to be allocated and used at a precinct.

Present law (R.S. 18:423) provides relative to parish boards of election supervisors. Provides that each member of the parish board of election supervisors shall receive \$50 for each day, not to exceed six days, actually spent in the performance of his duties in preparing for and supervising each election held in the parish. Proposed law retains present law and additionally provides that the members of the board may be compensated for up to seven days for a presidential or regularly scheduled congressional general election.

Present law (R.S. 18:427) provides for watchers to be present at the polls to call infractions of law to the attention of election commissioners. Provides that a watcher must be a qualified voter. Proposed law specifies that a watcher must be a qualified voter of the state of La.

Present law (R.S. 18:428) provides limitations on the presence of law enforcement officers at polling places. Prohibits law enforcement officers from being stationed at polling places. Allows for law enforcement officers to assist commissioners in preserving order, enforcing the election laws, and protecting election officials from interference with the performance of their duties. Prohibits a law enforcement officer from entering a polling place except to vote or to assist commissioners. Prohibits a law enforcement officer from interfering with the conduct of the election, the voters, or the election officials. Proposed law retains present law, but specifies that present law applies on election day.

Present law (R.S. 18:1309) provides procedures for early voting. Allows a registrar to use law enforcement officers to maintain order at any location where early voting is conducted. Proposed law retains present law and additionally provides that a law enforcement officer shall not interfere with the conduct of the election, the voters, or the election officials.

Present law (R.S. 18:431) requires the clerk of court to conduct courses of instruction for commissioners. Provides for two courses of instruction: a general course, which must be conducted at least semi-annually and a pre-election course, which must be conducted not less than four days prior to an election. Proposed law retains present law.

Present law provides that the clerk shall not be required to conduct the pre-election course of instruction if he gives notice to certain officials at least 14 days before the election. Proposed law retains present law, but provides that the clerk of court shall conduct at least one pre-election course of instruction prior to a presidential or congressional general election.

Present law (R.S. 18:463) requires a candidate for elected office to file a notice of candidacy. Requires the notice to contain a certification in which the candidate certifies that certain facts are true. Proposed law retains present law and additionally requires a candidate to certify that he has either filed his federal and state income tax returns, filed for an extension of time for filing either or both tax returns, or is not required to file either or both returns.

Present law (R.S. 18:492) provides for an action objecting to the candidacy of a person. Specifies bases for objecting to candidacy. Proposed law retains present law and additionally provides that a person may base an action objecting to the candidacy of a person on the grounds that the candidate falsely certified on his notice of candidacy that he filed his federal and state income tax returns, filed for an extension of time for filing either or both tax returns, or is not required to file either or both returns.

Present law (R.S. 18:562) provides prerequisites to voting on election day. Provides procedures for identifying a potential voter. Provides that the potential voter may present a La. driver's license or a La. special identification card issued pursuant to present law. Proposed law retains present law.

Present law provides that a potential voter may present another generally recognized picture identification card for purposes of establishing his identity so long as the card contains the name, address, and signature of the potential voter. Proposed law removes the requirement that the picture identification contain the address of the potential voter.

Present law (R.S. 18:1309) provides procedures for early voting. Requires that the identity of a potential voter be established prior to voting. Provides for submission by the potential voter of a La. driver's license or La. special identification card issued pursuant to present law. Proposed law retains present law.

Present law provides that a potential voter may present another generally recognized picture identification card for purposes of establishing his identity so long as the card contains the name, address, and signature of the potential voter. Proposed law removes the requirement that the picture identification contain the address of the potential voter.

Present law (R.S. 18:566.2) provides relative to the tabulation and counting of provisional ballots for federal office. Provides that provisional ballots are counted on the third day following the election. Proposed law retains present law and additionally provides that for a presidential or regularly scheduled congressional general election, the provisional ballots may be counted on the third or fourth day, or both, following the election.

Present law (R.S. 18:1253) provides procedures for nominations for candidates for presidential electors made by recognized political parties. Requires the filing of a certificate and affidavits. Proposed law retains present law.

Present law provides that if the nominees for president and vice president nominated by a national convention of a recognized political party, together with a slate of candidates for the offices of presidential electors to support such nominees, are not properly certified to the secretary of state by the state central committee of that party prior to 5:00 p.m. on the first Tues. in Sept., the national chairman of the political party, after notifying the chairman of the state central committee of that political party, shall certify a slate of electors to support such nominees within 72 hours thereafter. Proposed law removes the 72-hour deadline and provides instead that the national chairman must certify a slate of electors by 5:00 p.m. on the first Fri. following the first Tues. in Sept. Provides further that if the required certificate and affidavits are not filed timely with the secretary of state, the secretary of state shall endorse the date and time of receipt upon all documents and shall return them forthwith, either personally or by registered or certified mail, to the national chairman of the political party.

Present law (R.S. 18:1254) provides procedures for the nomination of independent candidates for presidential elector. Provides that a slate of independent candidates for presidential elector may be nominated by nominating petition or by the payment of a qualifying fee. Proposed law retains present law.

Present law provides that the period for filing the qualifying fee begins on the first Tues. in Aug. and ends at 5:00 p.m. on the first Tues. in Sept. Proposed law provides instead that the period for filing the qualifying fee ends at 5:00 p.m. on the first Fri. following the first Tues. in Sept.

Present law provides that each qualifying fee or nominating petition shall be accompanied by the notarized affidavit of each candidate for elector signifying his acceptance of the nomination. Proposed law provides that each candidate for elector must also submit a notice of candidacy along with the qualifying fee or nominating petition. Provides additionally that if the notice of candidacy and notarized affidavit of each candidate for elector, together with the qualifying fee or a nominating petition, are not filed timely with the secretary of state, the secretary of state shall endorse the date and time of receipt upon all documents and shall return them forthwith, either personally or by registered or certified mail, to the candidate or the person who filed them.

Present law (R.S. 18:1255) provides that all nominating petitions of presidential electors shall be filed with the secretary of state during the period beginning on the first Tues. in Aug. and ending at 5:00 p.m. on the first Tues. in Sept. Proposed law provides instead that the period for filing nominating petitions ends on the first Fri. following the first Tues. in Sept.

Proposed law removes references to punching ballots because punch ballots are no longer used for voting.

Present law (R.S. 18:1307) provides requirements and procedures for applying to vote absentee by mail. Provides that, subject to certain exceptions, an application must be received by the registrar not earlier than 60 days or later than 96 hours before the close of the polls for the election for which it is requested. Proposed law changes the deadline for submitting an application to 4:30 p.m. on the fourth day prior to the election.

Present law (R.S. 18:1308) provides procedures and requirements for voting absentee by mail. Subject to certain exceptions, requires a ballot to be received by the registrar before election day in order to be counted. Proposed law changes the deadline for receiving a ballot to 4:30 p.m. on the day before the election.

Present law (R.S. 18:1309) provides procedures for early voting. Requires the voter to sign the precinct register prior to voting, unless the voter is voting at a branch office, in which case he is required to sign and date a list kept by the registrar prior to casting his vote. Proposed law provides instead that the voter shall sign or make his mark in the precinct register or list kept by the registrar prior to voting.

Present law allows a registrar upon approval by the secretary of state to use commissioners to assist the registrar during early voting, provided such commissioners are selected in accordance with present law provisions relative to selection of election day commissioners. Proposed law removes the requirement that early voting commissioners be selected in the manner provided in present law for election day commissioners. Provides for selection and training of early voting commissioners by the registrar.

Proposed law additionally requires an early voting commissioner to have been certified as having successfully completed a course of instruction conducted by the clerk of court. Prohibits a person from serving as an early voting commissioner if one of the following applies:

- (1) The person is a candidate in the election.
- (2) An immediate family member of the person is a candidate for election to public office in the election.
- (3) The person is marked for assistance in voting in the precinct register or requires the use of the audio ballot in voting.
- (4) The person has been convicted of an election offense enumerated in the election code.

Present law (R.S. 18:1400.3) provides relative to payment of election expenses incurred by clerks of court and registrars of voters. Provides for the payment of all or a part of such expenses by the secretary of state for certain specified elections and under certain circumstances. Proposed law retains present law.

Present law provides that only certain specified expenses may be paid in whole or in part by the secretary of state. Proposed law adds to these expenses postage for absentee by mail ballots.

Present law (R.S. 18:1315) provides for challenges of absentee by mail and early voting ballots. Provides that a candidate or his representative, a member of the parish board of

election supervisors, or a qualified elector may challenge an absentee by mail or early voting ballot by filing a written challenge with the registrar no later than the fourth day before the election. Provides that a written challenge may only be made on the grounds that the applicant is not qualified to vote in the election, not qualified to vote in the precinct, or is not the person whose name is shown on the precinct register. Provides for determining the validity of challenges. Provides that if a written challenge is sustained, the vote shall not be counted and that the voter must be notified in writing of the challenge and the cause therefor. Proposed law retains present law.

Present law provides that notice to the voter of a written challenge must be sent by certified mail. Provides certain requirements for the notice, including the requirement that the notice be sent, return receipt requested, addressed to the voter at his place of residence. Proposed law removes the requirement that notice be sent by certified mail, return receipt requested.

Present law provides for challenge of an absentee by mail or early voting ballot on other grounds during the counting of the ballots. Provides for hearing and determination of the validity of such a challenge. Proposed law retains present law. Additionally provides that the board shall notify the voter in writing of the challenge and the cause therefor. Requires the notification to be on a form provided by the secretary of state and be signed by at least a majority of the members of the parish board of election supervisors. Requires the notice of the challenge and the cause therefor to be given within three days by mail addressed to the voter at his place of residence. Requires the board to retain a copy of the notification.

Present law (R.S. 18:1363) provides for determining the number of voting machines to be allocated for each precinct. Provides for one machine for each precinct where 600 or less voters were registered to vote at the last general election. Proposed law provides for one machine for each precinct where 300 or less voters were registered (instead of 600 or less). Changes the time at which the number of registered voters is determined from the last general election to 30 days prior to the election.

Present law provides for two machines for each precinct where more than 600 but not more than 1,000 voters were registered to vote at the last general election. Proposed law provides for two machines for each precinct where more than 300 but not more than 1,000 voters were registered (instead of more than 600 but less than 1,000). Changes the time at which the number of registered voters is determined from the last general election to 30 days prior to the election.

Present law provides for three machines for each precinct where more than 1,000 voters but not more than 1,400 voters were registered to vote at the last general election. Provides for four machines for each precinct where more than 1,400 voters were registered to vote at the last general election. Proposed law changes the time at which the number of registered voters is determined from the last general election to 30 days prior to the election.

Proposed law provides further that the parish board of election supervisors may submit a written request to the secretary of state, on or before the 23rd day prior to an election, to reduce the number of voting machines to be allocated and used in an election other than a bond, debt, or tax election; an election at which a proposition or question is submitted to the voters; or a presidential preference primary. Provides that the written request shall include the number of voting machines to be reduced and an explanation of the need for the reduction in voting machines. Provides that if the secretary of state determines that the reduction in voting machines is feasible, he may reduce the number of voting machines.

Present law (R.S. 18:1372-1373) provides relative to preparation of voting machines, including testing and adjusting of machines. Provides for notice and procedures. Provides for observation and inspection by a candidate, his representative, or a citizen of the parish. Proposed law retains present law. Provides additionally for the production of test vote reports for voting machines and for review of test vote reports.

Proposed law makes various technical changes.

Provisions of proposed law relative to the allocation of voting machines, early voting commissioners, challenges of absentee by mail and early voting ballots, and the testing and preparation of voting machines are effective Jan. 1, 2010.

(Amends R.S. 18:59(A), 103(A), 109, 115(A)(1) and (F)(2)(d), 151(B), 152(C)(1), 175, 196(A)(1), 423(E), 427(A), 428(A), (B), and (C), 431(B)(5), 433(A)(3), (B)(4), (G)(1) and (2)(intro. para.), (H)(1)(intro. para.), (I), and (J), 463(A)(2)(a)(vii), 465(E)(1), 562(A)(2), 566.2(C), 1253(E), 1254(A) and (C), 1255(A), 1272(A), 1275.1(B), 1275.8, 1306(A)(2) and (3) and (B)(1), 1307(B)(2), 1308(C), 1309(A)(3), (B)(1), (C), (D)(1), (E)(2), (I), and (J), 1315(C)(2) and (3)(a), 1363(A), 1373, 1400.3(D), 1505.1(D), and 1505.2(H)(6)(a)(intro. para.), (Q)(3)(a)(ii), and (R)(3)(a)(ii); Adds R.S. 18:463(A)(2)(a)(viii), 492(A)(7), 1253(F), 1254(E), 1309(K), and 1363(H); Repeals R.S. 18:433(A)(2) and 1372)